

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:14-CR-023-A
)
Government,)
) FORT WORTH, TEXAS
VERSUS)
) JULY 8, 2014
CHRISTOPHER ROBERT WEAST,)
)
Defendant.) 10:31 A.M.

VOLUME 4 OF 16
TRANSCRIPT OF COMPETENCY HEARING AND ARRAIGNMENT
BEFORE THE HONORABLE JOHN McBRYDE
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S :

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P R O C E E D I N G S

July 8, 2014 - 10:31 a.m.

COURT SECURITY OFFICER: All rise.

THE DEFENDANT: I do not consent.

COURT SECURITY OFFICER: Hear ye, hear ye, hear ye,
the United States District Court --

THE DEFENDANT: I don't consent, sir.

COURT SECURITY OFFICER: -- for the Northern
District of Texas at Fort Worth is now in session, the
Honorable John McBryde presiding.

Let us pray. God bless the United States and this
Honorable Court. Amen.

Please be seated.

THE COURT: Good morning.

MS. SALEEM: Good morning.

THE DEFENDANT: Sir, the first thing I'm going to
ask you is if you can tell your goons over here to get off my
case, quit threatening me, and quit trying to force me into
doing things that I don't consent to. That would be the first
thing that I would like to put on the record here today, is
that these guys -- this guy just physically put his hands on
me. He has no right to do so. I do not consent to anything
this court is doing.

And the second thing I'd like to point out, sir, is
that I have come to a conclusion. I have come to a conclusion

1 that this Court is operating a cestui que vie trust in which
2 this Court has tried to attempt to illegally turn this into
3 something it's not.

4 Are we on the record? Are we -- are we -- good.

5 *THE COURT:* Okay. We're --

6 *THE DEFENDANT:* Because you, sir, are the trustee.

7 You, ma'am, have been trying to act like you're the
8 fiduciary, and I'd like to turn this in to the court right
9 now. I'm the beneficiary here, and I waive all benefits to
10 this trust.

11 I'd like to hand this to the Court, if we could, and
12 turn this in because I do not consent. I waive all benefits
13 and privileges to this. I don't want it, and I waive -- I am
14 dissolving all the franchises.

15 This Court has no -- no jurisdiction to be hearing
16 this today. This Court has tried to do everything in its
17 power. I have my witnesses out here as to what this Court is
18 trying to do, and I'm going to -- I'm going to get up and
19 leave, unless this Court shows me somewhere, some way that
20 this Court has jurisdiction, because this corporation has no
21 more jurisdiction than the consent you give it. There's your
22 defendant right there.

23 (Mr. Weast beginning to stand)

24 *THE DEFENDANT:* Tell your goon to get his hand off
25 of me, sir.

1 *THE COURT:* If you would, please be quiet.

2 We're here for a hearing today in Case Number
3 4:14-CR-023-A. It's United States of America versus --

4 *THE DEFENDANT:* I'd like to put this on the record,
5 that I'm being forced by this guy here.

6 What's your name, sir? What's your name?

7 *THE COURT:* Mr. Weast, if you would, please --

8 *THE DEFENDANT:* No, I won't, sir. I don't consent
9 to anything that you're doing, sir, and this court is nothing
10 more than a corporation trying to act -- the United States
11 here in this case is nothing more than a corporation trying to
12 act in the place of an actual human being.

13 I am the actual human being in this courtroom, sir.
14 I am not this all capital -- my name is C -- capital C, lower
15 h, lower r, lower i, lower s, not this all-cap name.

16 *THE COURT:* Okay. Mr. Weast, if you would --

17 *THE DEFENDANT:* No, sir, I do -- I do not consent to
18 anything that you have to say, sir. Nothing that you have to
19 say. I do not consent to it.

20 *THE COURT:* Okay. We're here for a hearing --

21 *THE DEFENDANT:* No, we're not, sir. You are here
22 for a hearing that I am being forced to be here for. I just
23 got drug from up there -- down there at the -- at this cell
24 down here. Everything in this entire matter has been
25 forceful. I have not once been here on my own accord, not

1 once.

2 *THE COURT:* Okay. Mr. Weast, do you have anything
3 else you wish to say before I proceed?

4 *THE DEFENDANT:* We are not -- there's no need to be
5 proceeding here, sir. You have no jurisdiction to proceed.
6 And until you prove that you have some jurisdiction to
7 proceed, we're not proceeding, sir, because I do not consent
8 to you proceeding to do anything.

9 *THE COURT:* Is it your plan to continue to interrupt
10 so we cannot proceed?

11 *THE DEFENDANT:* Sir, like I said, I'd like to
12 present this document to the Court. You can have your
13 document. This is the document that the Court is actually
14 proceeding against is this bond.

15 *THE COURT:* Okay. Mr. Weast, I would appreciate it
16 if you would --

17 *THE DEFENDANT:* I am not consenting to anything that
18 this Court does, sir. You do not have jurisdiction to be
19 doing anything until this Court proves it has jurisdiction to
20 do anything. This court is a court of limited jurisdiction,
21 if any jurisdiction at all, which is operating in admiralty
22 jurisdiction. This court is operating under an Article IV at
23 best, and I am part of, we, the people, and I do not consent
24 to anything this court is trying to do today.

25 *THE COURT:* Does the marshal service have a means of

1 gagging a defendant?

2 *THE DEFENDANT:* What, you think that because you gag
3 me and force me to do -- into all this stuff that you're
4 trying to do, that that somehow is going to give you
5 jurisdiction over me, sir?

6 *THE COURT:* Does the marshal service have a means of
7 gagging him, so we can proceed?

8 *MR. THOMPSON:* Your Honor, I'll have -- I'd have to
9 have a discussion. I'd ask that I might be able to speak with
10 you about that and perhaps recess for 10 minutes.

11 *THE COURT:* Yes, why don't we recess for a few
12 minutes.

13 Y'all can take the defendant back down. We'll
14 recess for 10 minutes.

15 *COURT SECURITY OFFICER:* All rise.

16 *THE DEFENDANT:* This needs to be in the court
17 record.

18 *(Recess)*

19 *(Defendant not present)*

20 *COURT SECURITY OFFICER:* All rise.

21 *(Judge enters)*

22 *COURT SECURITY OFFICER:* Please be seated.

23 *THE COURT:* We're extending our recess for another
24 15 minutes, approximately. We're going to see if we can
25 develop a plan for the defendant to be able to communicate

1 with the courtroom from the cell block.

2 And if -- I have your Motion to Withdraw, Ms. Saad,
3 and we're just going to have to leave that in abeyance until
4 we see where we're going.

5 MS. SAAD: Yes, Your Honor.

6 THE COURT: For the time being, you're continuing to
7 represent him in the matters pertaining to the mental
8 competency.

9 MS. SAAD: Yes, Your Honor.

10 THE COURT: And if you -- he -- our plan is for the
11 defendant to hear what's going on in the courtroom in the cell
12 block and to -- if the Court wishes, to allow him then to
13 communicate with the courtroom over a speaker we'll have in
14 the courtroom. You can either be in the cell block to assist
15 him in that way or continue to be in the courtroom in case
16 there is something that would require some cross-examination.

17 Frankly, I don't know what the government plans to
18 present on the motion, so I'll leave that up to you as to
19 whether you want to try to do what you would need to do as the
20 court-appointed attorney by being with him outside the cell
21 block, but across the bar, so to speak, or up here. I'll
22 leave that up to you to decide which would be the best way to
23 handle that.

24 MS. SAAD: Yes, Your Honor. And I guess with this
25 new information, I guess during this recess, if I could have

1 the opportunity to just consult with counsel, additional
2 cocounsel to just confirm how we want to proceed.

3 *THE COURT:* And who is the additional co-counsel?

4 *MS. SAAD:* Well, Chris Curtis has been assisting me
5 with this case, but he's not in the office this week, but I
6 just wanted to --

7 *THE COURT:* Oh, you want -- you want an opportunity
8 during the recess to get on the phone and call somebody?

9 *MS. SAAD:* Yes, Your Honor. Yes, Your Honor.

10 *THE COURT:* Oh, you have that opportunity.

11 *MS. SAAD:* Thank you, Your Honor.

12 *THE COURT:* Okay. And we'll take a -- it will be
13 about a 15-minute recess until the marshal service has an
14 opportunity to set up what needs to be set up.

15 *MS. SAAD:* Thank you, Your Honor.

16 *THE COURT:* Okay.

17 *COURT SECURITY OFFICER:* All rise.

18 *(Recess)*

19 *(Defendant and Ms. Saad present via speaker from*
20 *cell block)*

21 *COURT SECURITY OFFICER:* All rise.

22 *(Judge enters)*

23 *COURT SECURITY OFFICER:* Please be seated.

24 *THE COURT:* Okay. We're back on Number

25 4:14-CR-023-A. I don't believe I've ever been able to put of

1 record the cause number before.

2 We're going to take a further recess until 2:00
3 because we're going to have to set up a system where the
4 defendant can communicate with us from the cell block, and
5 where he can hear us in the cell block, and we don't have the
6 facilities now to do it, but we think by 2:00 we can gain
7 those facilities.

8 If -- Mr. Thompson from the marshal's office is
9 here. If you could make known to the defendant what our plans
10 are, and tell him that if he can assure us that he will not be
11 disruptive, he can come back into the courtroom.

12 But if he continues to plan his -- continues to be
13 disruptive, then we won't permit him to come back to the
14 courtroom.

15 Can you convey that to him?

16 *MR. THOMPSON:* Yes, Your Honor, I will.

17 *THE COURT:* And if he expresses a willingness to
18 cooperate and come back into the courtroom at 2:00, you can
19 bring him back to the courtroom.

20 *MR. THOMPSON:* Yes, Your Honor.

21 *THE COURT:* But we'll still be set up in case we
22 have to communicate the way we were talking about earlier.

23 *MR. THOMPSON:* Yes, Your Honor.

24 *THE COURT:* Okay. Where is Ms. Saad? Did she
25 abandon us?

1 MS. SAAD: Your Honor, I'm here with the defendant
2 in the cell block.

3 THE DEFENDANT: You're not. You're not my -- you're
4 not my attorney.

5 THE COURT: Oh, okay. I didn't know we had this set
6 up, so I apologize for not taking that into account, Ms. Saad.
7 I'm sure the defendant just heard what I said.

8 MR. THOMPSON: Yes, Your Honor.

9 THE DEFENDANT: She's not my attorney.

10 MS. SAAD: Yes, Your Honor, we do have it set up,
11 and everything that was just said was said in front of the
12 defendant and myself.

13 THE DEFENDANT: I --

14 THE COURT: Okay. This is directed to Mr. Weast
15 then.

16 Mr. Weast, we're going to have a better telephone
17 setup at 2:00 so we can communicate the way we're
18 communicating now, but with better equipment at 2:00.

19 I think you've already heard what I told
20 Mr. Thompson, and that is, that if you'll assure the Court
21 that you will not disrupt the proceedings, we'll allow you to
22 come back to the courtroom at 2:00. Otherwise, we're going to
23 continue to conduct the proceedings the way we are now, but
24 with better equipment, resuming at 2:00.

25 Do you wish to commit that you will conduct yourself

1 properly, if you come back into the courtroom? You can
2 respond to that.

3 *THE DEFENDANT:* As one of the people of the United
4 States, I want this court to recuse the judge because this
5 judge has no jurisdiction, and this attorney standing on the
6 other side of this fence has no authority to be speaking on my
7 behalf.

8 *DEPUTY U.S. MARSHAL:* Will you do better at 2:00 or
9 not was the question. I just want an --

10 *THE DEFENDANT:* I'm not answering no questions --

11 *DEPUTY U.S. MARSHAL:* Okay.

12 *THE DEFENDANT:* -- because this Court has no
13 authority to be --

14 (Phone muted in cell block)

15 *THE COURT:* Okay. So we'll -- apparently he doesn't
16 want to come back to the courtroom with any assurance that
17 he'll conduct himself properly, Mr. Thompson, so we'll resume
18 at 2:00 and will continue to communicate the way we're
19 communicating now, but with better equipment.

20 *MR. THOMPSON:* Yes, Your Honor.

21 *MS. SAAD:* Yes, Your Honor.

22 *COURT SECURITY OFFICER:* All rise.

23 (Recess)

24 (Resuming at 2:05 p.m., as follows:)

25 (Defendant present via video conference)

1 *(Defense counsel present in courtroom)*

2 *COURT SECURITY OFFICER:* All rise.

3 *(Judge enters)*

4 *COURT SECURITY OFFICER:* Please be seated.

5 *THE COURT:* Okay. We're back on Number
6 4:14-CR-023-A. I don't believe I was ever able to get out
7 this morning what the style was. It's United States of
8 America versus Christopher -- Christopher Robert Weast.

9 And Ms. Saleem's here for the government.

10 *MS. SALEEM:* Yes, Your Honor.

11 *THE COURT:* And who is this with you, Ms. Saleem?

12 *MS. SALEEM:* Your Honor, this is the case agent,
13 Special Agent Womble.

14 *THE COURT:* Okay. And then are you going to be in
15 here or with the defendant?

16 *MS. SAAD:* Your Honor, I'll be here during the
17 hearing.

18 *THE COURT:* Pardon?

19 *MS. SAAD:* I will be here during the hearing.

20 *THE COURT:* Okay. Very good. Ms. Saad is here for
21 the defendant, just in connection with this hearing.

22 As is obvious, we've moved from the fourth floor
23 courtroom, my usual courtroom, to the second floor courtroom
24 because of it being better suited for the kind of
25 communication we're having to have with the defendant out of

1 the courtroom.

2 The purpose of the hearing was to consider a motion
3 filed by the government sometime back for a hearing to
4 determine the mental -- defendant's mental competency, and
5 that's the reason we're here today, the main reason. There
6 are other matters we can deal with while we're here.

7 Is the -- I think we still have the communication
8 set up where the defendant is hearing what's going on in the
9 courtroom; is that correct?

10 *MR. THOMPSON:* Yes, Your Honor.

11 *THE COURT:* And he's in the holding cell just on the
12 other side of the wall there?

13 *MR. THOMPSON:* No, Your Honor, he's in the --

14 *THE DEFENDANT:* No, I'm in a room back here.

15 (Audio muted from conference room)

16 *THE COURT:* I'm sorry, what was that?

17 *MR. THOMPSON:* That was the defendant, Your Honor.
18 They currently have it muted by the defendant in the third
19 floor in a conference room.

20 *THE COURT:* Okay. I can see him on a monitor here.
21 Oh, I have two monitors.

22 And where is he located?

23 *MR. THOMPSON:* Your Honor, he's located in the
24 conference room on the third floor of the courthouse.

25 *THE COURT:* Okay. This is directed to the

1 defendant.

2 Mr. Weast, I would much prefer that you be in the
3 courtroom attending the hearing. And if I had some assurance
4 from you that I felt that I could rely on that you would
5 conduct yourself appropriately, I would have you come into the
6 courtroom.

7 Do you wish to give me any kind of assurance that
8 you would conduct yourself appropriately if I were to allow
9 you to come into the courtroom?

10 *THE DEFENDANT:* Yeah, I have a question for you,
11 sir. Why are you practicing law from the bench, telling the
12 USA about the competency hearing, and why is there an attorney
13 in there who I did not hire, who I do not have a contract
14 with, and is in there supposedly representing some piece of
15 property that is not me?

16 *THE COURT:* If I were to allow you to come into the
17 courtroom, Mr. Weast, would you be cooperative and not
18 interrupt the proceedings and respond as appropriately when
19 the Court makes an inquiry of you?

20 *THE DEFENDANT:* Would you please answer my question,
21 sir?

22 *THE COURT:* Okay. I take it that you're not willing
23 to do that. If there's any change in your attitude --

24 *THE DEFENDANT:* I'm assuming that you're not going
25 to answer my question.

1 THE COURT: Okay. Okay. We can proceed then.

2 Ms. Saleem, do you wish to offer any evidence in
3 support of the government's motion?

4 MS. SALEEM: Yes, Your Honor.

5 THE COURT: Okay. You may proceed.

6 MS. SALEEM: Your Honor, the government would call
7 Randall Rattan.

8 THE COURT: Okay. Raise your right hand to be
9 sworn.

10 Do you solemnly swear that all the testimony you
11 give in this case will be the truth, the whole truth, and
12 nothing but the truth, so help you God?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay. Come up and be seated.

15 For the record, does the defendant have the ability
16 to see what's going on in the courtroom?

17 MR. THOMPSON: Yes, Your Honor.

18 THE COURT: Okay. Okay. You may proceed.

19 **RANDALL RATTAN,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. SALEEM:**

23 Q. Can you go ahead and please state your name for the
24 record, and what do you do for a living?

25 A. My name is Randall Rattan. I'm a forensic

1 psychologist at the Federal Correctional Institution in Fort
2 Worth, Texas.

3 Q. Specifically, were you asked to conduct an evaluation
4 of Christopher Robert Weast to determine whether or not he's
5 competent?

6 A. I was.

7 Q. And did you have an opportunity to see Mr. Weast in
8 the courtroom this morning?

9 A. Yes.

10 Q. And was that the same individual that you conducted
11 your competency evaluation of?

12 A. It was.

13 Q. Now, with respect to -- first, just very briefly, do
14 you have special qualifications that enable you to conduct
15 such examinations?

16 A. I do.

17 Q. What are they?

18 A. I have a bachelor's degree in English from Texas Tech
19 University, I have a Ph.D. in Clinical Psychology from the
20 University of North Texas, and I'm board certified in forensic
21 psychology by the American Board of Forensic Psychology.

22 Q. And how long have you been conducting forensic
23 examinations?

24 A. Approximately 12 years.

25 Q. Now, with respect to Mr. Weast, were you able to

1 interview him?

2 A. I spoke to Mr. Weast, and he said that he explicitly
3 gave his nonconsent to be interviewed.

4 Q. Were you still able to conduct an examination, or at
5 least arrive at an opinion, with respect to whether or not
6 Mr. Weast is competent to stand trial?

7 A. Yes.

8 Q. And specifically, did you prepare a report in
9 connection with that -- with -- I guess with your evaluation?

10 A. Yes. We have technically prepared a preliminary
11 report based on the -- the warden's final signature has yet to
12 be rendered, but in the interest of being expedient, we have
13 provided that to the Court.

14 Q. Now, even though Mr. Weast did not specifically agree
15 to provide his consent with respect to further interviews, how
16 are you able to make an evaluation as to competency in that
17 kind of a circumstance?

18 A. We've observed him for sometime at the FCI. He's
19 been with us since March. And we've had an opportunity to
20 speak to others who have had contact with him, both inside the
21 institution and also in the community, and we've had the
22 opportunity to read some of his filings and writings, and
23 we've had the opportunity to listen to phone calls that have
24 been recorded in the standard course of our security measures
25 at the FCI.

1 Q. And based on, I guess, your complete evaluation of
2 the case, to the extent that you could do that, did you arrive
3 at a conclusion as to whether the defendant is suffering from
4 a mental disease or defect rendering him mentally incompetent
5 to the extent that he is unable to understand the nature and
6 consequences of the proceedings against him or to assist
7 properly in his defense?

8 A. Yes, we did.

9 Q. And what was that conclusion?

10 A. That there was insufficient information to support a
11 clinical inference that he has a severe psychiatric disorder,
12 a severe mental disease or defect. And basically, without
13 that showing, there's no predicate to say that he's not
14 competent.

15 Q. So then, ultimately, is your conclusion that he is
16 competent to stand trial?

17 A. The information suggests that he is.

18 Q. Now, that report that you were able to prepare, that
19 preliminary report, is that Government's Exhibit 1?

20 A. Yes, it is.

21 MS. SALEEM: And at this time the government moves
22 to admit into evidence Government's Exhibit 1.

23 THE COURT: Okay. It's received.

24 Q (BY MS. SALEEM) Finally, Dr. Rattan, with respect -- you
25 also had an opportunity to observe Mr. Weast engage in certain

1 outbursts this morning at the initial part of the hearing at
2 10:30. Did Mr. Weast's behavior, did that change your
3 decision or opinion with respect to Mr. Weast's competence?

4 A. No, it did not.

5 Q. And can you explain why that -- why it did not
6 change?

7 A. Mr. Weast's focus on the illegitimacy, the
8 insufficiency of the Federal Government as to jurisdiction,
9 and to identification, and just the tactic of not playing by
10 the rules, are kind of standard tactics, if you will, of the
11 loosely rubricked group called sovereign citizens. It's not
12 uncommon at all. As a matter of fact, it tended to support
13 the position that he -- his anti-government leanings and
14 views.

15 Q. So, in other words --

16 *THE COURT:* Let me ask a question. Is that a cult,
17 or what is that you're calling sovereign citizens? What --
18 what is that?

19 *THE WITNESS:* That is a complex question, Your
20 Honor. Probably not a cult in the sense that it's not a set
21 of religious views that are the core features of it. The core
22 features being the insufficiency of governments to sanction
23 individuals. It's a group of individuals who we would say
24 have overvalued ideas that are just, almost by definition,
25 deviant, that most don't hold, and in this case, regarding the

1 insufficiency of the federal government to govern.

2 And there's a -- good literature on these folks and
3 their tactics, and he appears to be a member of that very
4 loosely-banded community. These are not bizarre or unusual
5 beliefs or practices for that subset of individuals.

6 *THE COURT:* Did you discuss that with the defendant
7 when you -- did he interview you (sic) at all?

8 *THE WITNESS:* He did not, Your Honor. He did not
9 want to speak. He didn't want to be in the room with me.

10 *THE COURT:* Well, did -- you didn't have an
11 opportunity then to discuss those matters with him?

12 *THE WITNESS:* I did not.

13 *THE COURT:* Okay. Go ahead.

14 *Q* *(BY MS. SALEEM)* Did you -- did you observe any paranoid
15 behavior by the defendant?

16 *A.* Well, he certainly has a mistrust of the government,
17 to say the least. But we really observed him engaging in
18 normal behaviors until he became a study, a study case, per
19 the order. He gets along reasonably well in our jail unit
20 community.

21 He socializes appropriately with a couple of select
22 individuals, who he has a relationship with. He is not a
23 behavioral problem. So when I saw his behavior in the
24 courtroom today, I was -- I wouldn't say mildly surprised, but
25 that's certainly not characteristic of his day-to-day behavior

1 at our institution.

2 Q. Okay. So even if he exhibits some paranoid behavior,
3 it is not reflective of a mental disease or defect that you
4 could identify?

5 A. You know, like the report hopefully elucidates, he
6 has some personality pathology and it probably -- I mean, it
7 could rise to the level of something that's diagnoseable, but
8 it's not what's called a clinical condition or disorder that
9 we would call, for the purpose of the statute, a severe mental
10 disease or defect, personality or traits that are deeply
11 engrained. They are just kind of our normal ways of
12 interacting with the world, and he certainly has some of those
13 paranoid features is what we would say.

14 Paranoia is a symptom that is throughout our
15 diagnostic books. In multiple different disorders, you can
16 find paranoia, all the way from psychotic disorders to
17 personality features, which I'm listing those under for the
18 purpose of the report.

19 Q. And again, from listening to phone calls, and in
20 talking to other individuals who had access to Mr. Weast, you
21 have -- you have seen nothing that indicates that Mr. Weast is
22 unable to understand what is going on in the courtroom, and he
23 has the ability, if he chooses, to prepare a defense on his
24 behalf?

25 A. Yes.

1 MS. SALEEM: I'll pass the witness, Your Honor.

2 THE COURT: Do you have any indication that he's
3 able to control his conduct in the courtroom?

4 THE WITNESS: He has certainly controlled his
5 conduct reasonably well throughout the three to four months
6 that we've had him.

7 THE COURT: No, I'm talking about in the courtroom.

8 THE WITNESS: Based on this morning's behavior, I
9 don't believe so. I think he's -- it's both a tactic, and
10 it's also, I think a function of the passion with which he
11 wishes to avoid a negative outcome here today.

12 THE COURT: In other words, you think he's doing it
13 on purpose to obstruct the trial?

14 THE WITNESS: I do.

15 THE COURT: Okay. Do you have any questions you
16 want to ask him?

17 MS. SAAD: No, Your Honor.

18 THE COURT: Okay. This is directed to Mr. Weast.

19 Mr. Weast, do you have any questions you wish to
20 pose to this witness? Apparently, he's not -- Mr. Weast, can
21 you hear what I'm saying?

22 THE DEFENDANT: -- answer you, sir, but they have
23 got this thing on mute.

24 THE COURT: Do you have any questions you wish to
25 pose to this witness?

1 THE DEFENDANT: Yeah.

2 **CROSS-EXAMINATION**

3 **BY MR. WEAST:**

4 Q. How well do you know me, sir?

5 THE COURT: Did you understand his question?

6 THE WITNESS: I do, Your Honor.

7 As the report notes, I think I know enough to say
8 that there is insufficient evidence to say that you're not
9 competent.

10 Q (BY MR. WEAST) That's not my question, sir. Let me
11 repeat the question. Let me rephrase it. How many days have
12 you ever spoke to me, sir?

13 A. I spoke to you and I gave you some informed consent
14 for 20 to 30 minutes --

15 Q. Now answer my question. How many days, one, two,
16 three, four? How many days have you spoke to me?

17 A. Less than 1 day, 20 to 30 minutes.

18 Q. And you're making all of these opinions based on that
19 one day -- that one 30-minute thing?

20 A. I am.

21 Q. Then how are you qualified, sir, to make any opinion?

22 A. I'm board certified in forensic psychology by
23 the American Board of Forensic Psychologists.

24 Q. That is not answering the question, sir.

25 THE DEFENDANT: I move to strike every bit of

1 testimony this witness has given based on the fact that he,
2 himself, just gave testimony that he does not -- is not
3 qualified to make this decision.

4 *THE COURT:* Okay. Do you have anything else,
5 Mr. Weast, you wish to ask him?

6 *THE DEFENDANT:* Like I said, I'm -- I don't even
7 understand why we're here.

8 Why are we here, sir? Because I'm sitting here in a
9 room away from the courtroom, and you're up there having this
10 mock thing that you've got going here. I move to -- for you
11 to recuse yourself, Judge, because you are clearly biased in
12 these matters, and you've proven that by practicing law from
13 the bench, and you're the one that said to the -- I'm not sure
14 who it was because Aisha Saleem did not show up for the
15 government that day, but you're the one that put the thought
16 in his head to file this motion for a competency hearing.

17 And I move that you -- you, sir, need to take
18 yourself off this case because you're clearly biased and
19 emphatic because you have done nothing but -- whenever Aisha
20 Saleem filed for the government, you ruled on this motion way
21 before I had a chance to even put in a response to it as we,
22 the people, as we the sovereign people sitting right here, I'm
23 sorry if it doesn't bode well with all the people that are
24 sitting here from the British government, but that is the way
25 it goes here in the United States. We are sovereign as -- as

1 of the Treaty of Paris 1783, so I'm not sure what we're doing
2 here.

3 *THE COURT:* Okay.

4 *THE DEFENDANT:* I'm not your property.

5 *THE COURT:* Okay. Ms. Saleem, do you have anything
6 else -- you can step down. Thank you.

7 Do you have anything else you want to offer?

8 *MS. SALEEM:* No, Your Honor.

9 *THE COURT:* Okay. Does the defendant have any
10 evidence that the defendant wishes to offer?

11 *MS. SAAD:* No, Your Honor.

12 *THE COURT:* Okay. Does the government have any
13 statement it wishes to make before I make a ruling?

14 *MS. SALEEM:* Just briefly, Your Honor.

15 *THE COURT:* Okay.

16 *MS. SALEEM:* We would just submit that based upon
17 the report that's been submitted, as well as the testimony
18 today, that you find the defendant is competent. We
19 understand that he has engaged in a number of outbursts, has
20 shown some paranoid behavior, but those don't arise to the
21 level of incompetence as a licensed psychologist was able to
22 advise the Court today, and that's all we have.

23 *THE COURT:* Okay. And do you have anything you wish
24 to state on behalf of the defendant?

25 *MS. SAAD:* Yes, Your Honor. We would agree with

1 the -- Ms. Saleem in terms of competency; that there has been
2 very little evidence, much less a preponderance of the
3 evidence, to indicate that Mr. Weast is incompetent, and so we
4 would ask for a ruling of competence, Your Honor.

5 *THE COURT:* Okay. The report, this Exhibit 1
6 report, really doesn't conclude that he is competent. It
7 simply says that the person who prepared the report was unable
8 to obtain sufficient information to form an opinion that he
9 was not competent, and I believe that's basically what the
10 witness said from the stand.

11 Bearing in mind that the law contemplates that for
12 there to be a determination that the defendant is unable to
13 understand the nature and consequences of the proceedings
14 against him or to assist properly in his defense, for there to
15 be a finding of those facts, the Court has to be persuaded by
16 a preponderance of the evidence that those are the facts, and
17 I don't have any evidence that those are the facts in this
18 case, so I can't make the findings necessary to cause him to
19 be determined to be mentally incompetent for trial purposes.
20 That's my finding, that I cannot make such a finding.

21 Okay. We now have some other matters that we need
22 to deal with while we're in the courtroom.

23 We have a -- let me find what -- we have a Third
24 Superseding Indictment and a Second Superseding Indictment,
25 and I don't believe we ever had an arraignment on the Second

1 Superseding Indictment.

2 Is that your understanding, Ms. Saleem?

3 *MS. SALEEM:* That's correct, Your Honor. However,
4 there were some errors in the second superseding, so I don't
5 know if it's necessary to do the arraignment on the second
6 one, but we do have a third superseding that's corrected with
7 all the errors now.

8 *THE COURT:* Okay. This is directed to Mr. Weast.

9 Mr. Weast, have you received the Third Superseding
10 Indictment that was filed in this case on July 1?

11 *THE DEFENDANT:* No, sir.

12 *THE COURT:* You have not?

13 *THE DEFENDANT:* No.

14 *THE COURT:* Okay. Ms. Saleem, has one been tendered
15 to him?

16 *MS. SALEEM:* Your Honor, yes. We did -- we did send
17 one by overnight express to the defendant, as well as prior to
18 the hearing this morning, we provided another copy of the
19 superseding indictment.

20 *THE COURT:* You did what this morning?

21 *MS. SALEEM:* This morning we also provided another
22 copy of the superseding indictment.

23 *THE COURT:* How did you provide it to him?

24 *MS. SALEEM:* I handed it to Mr. Weast. He refused
25 to actually physically accept a copy of it from me because he

1 indicated that he would not accept any documents from me,
2 however, I placed them on the counsel table where he was
3 seated.

4 *THE COURT:* Okay. Mr. Fleury, are you joining as
5 cocounsel?

6 *MR. FLEURY:* Yes, Your Honor.

7 *THE COURT:* Okay.

8 *MR. FLEURY:* Sorry for not having asked permission
9 first.

10 *THE COURT:* Pardon?

11 *MR. FLEURY:* Sorry for not announcing and asking
12 permission first.

13 *THE COURT:* Okay. Let the record reflect that
14 Mr. Fleury has joined Ms. Saad at the table as cocounsel for
15 the defendant.

16 Mr. Weast -- Mr. Weast, listen to what we're doing
17 now. A Third Superseding Indictment has been returned by the
18 grand jury, and it was filed on July 1, 2014. At this time
19 I'm going to have it read aloud by Ms. Saleem, so you'll know
20 exactly what the Third Superseding Indictment charges against
21 you.

22 *MS. SAAD:* Your Honor --

23 *MR. FLEURY:* May we interrupt just a minute, Your
24 Honor?

25 *THE COURT:* Pardon?

1 MS. SAAD: Your Honor, what I would like to address
2 with the Court, perhaps before doing an arraignment in this
3 case, is addressing Mr. Weast's Faretta rights to represent
4 himself.

5 Mr. Weast has indicated from --

6 THE COURT: Okay. I'll relieve you of
7 representation of the defendant in connection with the
8 hearing, but I'm going to ask that you and Mr. Fleury stay in
9 the courtroom in case something else develops.

10 MS. SAAD: Yes, Your Honor.

11 THE COURT: Okay. At this time, Ms. Saleem will
12 read the Third Superseding Indictment.

13 And listen closely, Mr. Weast, because I'm going to
14 ask you a question or two about it after it's been read.

15 MS. SALEEM: United States of America -- United
16 States of America versus Christopher Robert Weast, Third
17 Superseding Indictment.

18 The Grand Jury Charges: Count 1, possession of
19 child pornography, violation of 18 USC Sections 2252A(a)(5)(B)
20 and 2252A(b)(2).

21 On or about July 10, 2012, in the Fort Worth
22 Division of the Northern District of Texas, defendant
23 Christopher Robert Weast did knowingly possess material that
24 contains an image of child pornography that was produced using
25 materials that have been mailed, shipped, and transported in

1 and affecting interstate and foreign commerce, by any means,
2 including by computer.

3 Specifically, Weast possessed a Western Digital
4 external hard drive, serial number WCAV5C309672, containing
5 the following described files depicting child pornography, as
6 defined in 18 USC Section 2256(8)(A):

7 File path: C:\Practice\Pics\!10yo_tied_to_2chairs
8 010-1.jpg. Description of the image: Still image depicting a
9 nude minor female gagged and tied by her legs to two chairs.

10 C:\Practice\Pics\ (Pthc) Tori at 9Yo-My Younger
11 Sister-18.jpg. Still image depicting a nude minor female
12 lying on a bed with one leg lifted to expose her genital area.

13 C:\Practice\Pics\ (pthc) tori
14 9yo-my_younger_sister-36.jpg. Still image depicting a nude
15 minor female lying on a bed with her legs spread apart to
16 expose her genital area.

17 C:\Practice\Pics\ ((lolitaguy))sandra-teen model
18 nude-beach lolita preteen underage 12yo 11yo 13yo 14yo 10yo
19 9yo 8yo 7yo 6yo.jpg. Still image depicting a nude minor
20 female lying on a bed with her legs spread apart and one of
21 her fingers touching her genital area.

22 C:\Practice\Pics\ !!pthc lsm magazine 9yo kidzilla
23 pre-teen young little girls harry potter
24 jenny-img20041009171217.jpg. Still image depicting a seated
25 prepubescent female nude from the waist down with legs bent to

1 expose her genital area.

2 C:\Practice\Pics\Lucifer's Collection-9Yo Jenny Tied
3 Nude With Legs Spread Wide Apart Showing 'Open Pussy-Lucifer's
4 Underage Lolita R@Ygold Pthc Ptsc Ddogprn Pedo Young C.jpg.
5 Still image depicting a mostly nude minor female lying on a
6 bed with her hands tied with yellow rope above her head and
7 her legs spread apart and tied with yellow rope.

8 In violation of 18 USC Section 2252A(a)(5)(B) and
9 2252A(b)(2).

10 Count 2, receipt of child pornography, in violation
11 of 18 USC Sections 2252A(a)(2)(A) and 2252A(b)(1).

12 On or about June 28th, 2012, in the Fort Worth
13 Division of the Northern District of Texas, defendant
14 Christopher Robert Weast did knowingly receive child
15 pornography that was shipped and transported in and affecting
16 interstate and foreign commerce by any means, including by
17 computer.

18 Specifically, Weast received the followed described
19 file depicting child pornography, as defined in 18 USC Section
20 2256(8)(A):

21 File name: !!!!Pthc Donna 9Yo Kinderkutje Pedo
22 Babyj R@Ygold Rides Cock Mpeg.avi. Description of file: A
23 video of a nude minor female who is wearing a hood and engaged
24 in sexual intercourse with an adult male.

25 In violation of 18 USC Sections 2252A(a)(2)(A) and

1 2252A(b)(1).

2 Forfeiture Notice, 18 USC Section 2253:

3 Upon conviction of either of the offenses alleged in
4 Counts 1 and 2, and pursuant to 18 USC Section 2253(a),
5 defendant Weast shall forfeit to the United States of America:
6 (a) any visual depiction described in 18 USC Section 2252A,
7 and any book, magazine, periodical, film, videotape, or other
8 matter which contains any such visual depiction, which was
9 produced, transported, mailed, shipped, or received in the
10 respective offense; (b) any property, real or personal,
11 constituting or traceable to gross profits or other proceeds
12 obtained from the respective offense; and (c) any property,
13 real or personal, used or intended to be used to commit or to
14 promote the commission of the respective offense and any
15 property traceable to such property.

16 The above-referenced property subject to forfeiture
17 from the defendant includes, but is not limited to, any
18 interest of the defendant in the following:

19 1. One HP laptop computer, serial number
20 CNF8234HX7; and

21 2. One Western Digital external hard drive, serial
22 number WCAV5C309672.

23 Seized from Weast's residence in White Settlement,
24 Texas, on July 10, 2012.

25 *THE COURT:* Mr. Weast, you've heard the Second (sic)

1 Superseding Indictment read. At this time I'll ask you what
2 you plead to the offenses charged by Counts 1 and 2 of the
3 Second (sic) Superseding Indictment.

4 Do you plead guilty or not guilty?

5 *THE DEFENDANT:* May I ask you a question, sir?

6 *THE COURT:* Do you plead guilty or not guilty?

7 *THE DEFENDANT:* May I ask you a question, sir?

8 *THE COURT:* I would prefer that you respond to my
9 question and that is --

10 *THE DEFENDANT:* Sir, what jurisdiction is this court
11 operating under?

12 *THE COURT:* Mr. Weast, do you wish to respond to my
13 question asking whether you plead guilty or not guilty?

14 *THE DEFENDANT:* I'm -- sir, I'll get to your
15 question in a minute. I'm only trying to ask you: What
16 jurisdiction is the court operating under?

17 Isn't it true that the court is operating under
18 admiralty jurisdiction?

19 *THE COURT:* Okay. I'll enter a plea of not guilty.

20 *THE DEFENDANT:* That is not -- you are not allowed
21 to enter a plea of not guilty when I have not refused to
22 plead.

23 *THE COURT:* Okay. I'll ask you again then and give
24 you an opportunity to plead.

25 What do you plead to the offenses charged by the

1 Third Superseding --

2 *THE DEFENDANT:* And again, I'm going to ask you --
3 I'm not refusing to plead. I am asking you: What
4 jurisdiction is the Court trying to proceed under, sir?

5 *THE COURT:* Okay. I'll enter a plea of not --

6 *THE DEFENDANT:* I --

7 *THE COURT:* I'll enter a plea of not guilty on
8 behalf of the defendant as to both counts of the indictment,
9 and that's the Third Superseding Indictment.

10 Mr. Weast, I take it you are still maintaining that
11 you should be permitted to represent yourself; is that
12 correct?

13 *THE DEFENDANT:* Sir, I still am asking you what
14 jurisdiction is this Court operating under and trying to
15 proceed under because everything you're doing right now is
16 illegal and unlawful, and I would like to know, also, where is
17 the Article III injured party in this matter, and who is the
18 real party in interest over there because I don't even feel
19 like I'm the real party in interest on this side because I'm
20 not your defendant, sir.

21 So who is the real party in interest?

22 *THE COURT:* Okay. Mr. Weast, the Supreme Court has
23 defined constitutionally permissible ways for a trial judge to
24 handle an obst- -- I'm having a hard time saying it -- an
25 obstreperous defendant like you.

1 The Court can bind and bag -- and gag the defendant,
2 and allow him to stay in the courtroom in that condition. The
3 Court can cite him for contempt. The Court can take him out
4 of the courtroom until he promises to conduct himself
5 properly.

6 The Supreme Court went on to say, and I'm referring
7 to Illinois versus Allen, reported at 397 U.S. 343. The Court
8 went on to say that the defendant can lose his right to be
9 present in trial if, after he has been warned by the judge
10 that he will be removed, if he continues to be -- continues
11 his disruptive behavior. He never -- nevertheless insists on
12 conducting himself in a manner so disorderly, disruptive, and
13 disrespectful of the court that his trial cannot be carried on
14 with him in the courtroom.

15 You have indicated to me, Mr. Weast, that that is
16 the condition we're faced with here. I think it also follows,
17 from what I've read, that the Court can order that you be
18 represented by counsel, particularly in the circumstance when
19 you're out of the courtroom.

20 Do you have any comments you wish to make on that
21 subject?

22 *THE DEFENDANT:* Actually, I didn't hear what you
23 said because everybody in here -- they are jerks. Can you
24 move me out? They are trying to keep me from this, and this
25 is one sham of a hearing. This is nothing but a kangaroo

1 court. This is worse than any state court I've ever had to
2 deal with. This is the -- absolutely a corrupt court. This
3 kangaroo court is -- you want your piece of property, come get
4 it. It's right here. It's called a birth certificate bond
5 and it's a license.

6 You tell me what part of this I'm not understanding,
7 sir. You tell me what your definition of the word
8 "understanding" is.

9 *THE COURT:* Mr. Weast --

10 *THE DEFENDANT:* What definition are you using?

11 *THE COURT:* Mr. Weast, I would love to give you an
12 opportunity to join us in the courtroom and conduct yourself
13 properly and continue to represent yourself, but you've
14 indicated to me that you simply cannot do that without being
15 disruptive.

16 Is there any possibility that you would change your
17 mind?

18 *THE DEFENDANT:* How am I being disruptive, sir?
19 Because I'm asking questions?

20 *THE COURT:* Say whatever you want to say at this
21 time. I'm asking you a question: Do you want to try to join
22 us in the courtroom?

23 *THE DEFENDANT:* I know what you want. You want me
24 to answer your question, so that you have some kind of power
25 over me, sir, and you want to hand this power to those

1 attorneys out there, who I'm just going to add to the lawsuit
2 that I'm going to sue them, too.

3 So how am I supposed to answer your question, if you
4 won't answer my question as to how I'm being disruptive?

5 *THE COURT:* Okay. It appears to me that the Court
6 is going to have to continue to cause the defendant to be
7 outside the courtroom during the proceedings.

8 I consider it inappropriate that the defendant
9 represent himself under those circumstances, so I'm appointing
10 an attorney for the defendant, to represent him in this case,
11 and the appointment is of the Office of the Federal Public
12 Defender of the Northern District of Texas.

13 *MS. SAAD:* Your Honor, we -- as his attorney, and
14 given that he has indicated that he does want to represent
15 himself, out of that duty to our client, we would just object
16 to having -- not allowing him to represent himself, just for
17 the record.

18 *THE COURT:* Okay. Ms. Saad, if the point is reached
19 where you feel comfortable that the defendant can conduct
20 himself properly -- or Mr. Fleury, either one of you, you'll
21 both be involved in the representation -- that he can conduct
22 himself properly and not be disruptive in the courtroom, we'll
23 consider my ruling.

24 But as the matters now stand, I don't think we can
25 have a trial with the defendant in the courtroom without him

1 being disruptive and preventing the proceedings from going
2 forward, and I don't feel comfortable with him being outside
3 the courtroom during a trial or other proceedings without an
4 attorney being in the courtroom representing him, so that's
5 where we are.

6 Ms. Saad, I think the defendant is entitled to know
7 that he's making some pretty important decisions, what the
8 penalties he's subjecting himself to by the new offenses
9 charged by the indictment.

10 Do you happen to know offhand?

11 *MS. SALEEM:* I do, Your Honor.

12 Your Honor, with respect to Count 1, the possession
13 of child pornography, the penalty range is zero to 10 years
14 with a \$250,000 fine as well.

15 As to Count 2, it's a mandatory minimum of 5 years
16 to 20 years, and, again, another \$250,000 fine, or up to, or
17 twice the pecuniary gain or twice the pecuniary loss to
18 victims, in the event that there are those who are identified.

19 In addition to that, for each count, there is a term
20 of supervised release that would be no less than 5 years, up
21 to life. And if the defendant were to be convicted on both
22 counts, and if at some point he were to be revoked, those
23 terms, while they would run concurrently, a revocation could
24 lead to additional time in incarceration.

25 *THE COURT:* Okay. You've heard the penalties you're

1 subjecting yourself to, Mr. Weast, that you are subject to by
2 reason of the counts of the indictment. You want to take into
3 account the seriousness of the charges against you in making
4 whatever decisions you make, and I hope your decision finally
5 is that you will cooperate and not be disruptive in the
6 courtroom, and if you wish to continue to represent yourself
7 at that time, and conduct yourself appropriately, I hope you
8 do so.

9 I believe that's all we have to do today. Court's
10 adjourned.

11 COURT SECURITY OFFICER: All rise.

12 (End of Proceedings)

13 **REPORTER'S CERTIFICATE**

14 I, Debra G. Saenz, CSR, RMR, CRR, certify that the
15 foregoing is a true and correct transcript from the record
16 of proceedings in the foregoing entitled matter.

17 I further certify that the transcript fees format
18 comply with those prescribed by the Court and the Judicial
19 Conference of the United States.

20 Signed this 15th day of January, 2015.

21 /s/ Debra G. Saenz

22 DEBRA G. SAENZ, CSR, RMR, CRR

23 Texas CSR No. 3158

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25 The Northern District of Texas

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<p>\$</p> <p>Case 4:14-cr-00023-A Document 311 Filed 01/21/15 Page 12 of 50 PageID 2538</p> <p>\$250,000 [2] 40/14 40/16</p> <p>'</p> <p>'Open [1] 33/3</p> <p>-</p> <p>-- continues [1] 11/12</p> <p>-- I'm [1] 36/24</p> <p>/</p> <p>/s [1] 41/17</p> <p>0</p> <p>010-1.jpg [1] 32/8</p> <p>04 [1] 3/3</p> <p>1</p> <p>1.jpg [1] 32/8</p> <p>10 [5] 8/10 8/14 31/21 34/24 40/13</p> <p>10:30 [1] 21/2</p> <p>10:31 [2] 1/8 4/2</p> <p>10th [2] 2/1 41/22</p> <p>10yo [2] 32/7 32/18</p> <p>11yo [1] 32/18</p> <p>12 [1] 18/24</p> <p>12/31/15 [1] 41/21</p> <p>12yo [1] 32/18</p> <p>13yo [1] 32/18</p> <p>14 [1] 3/4</p> <p>14yo [1] 32/18</p> <p>15 [2] 8/24 41/21</p> <p>15-minute [1] 10/13</p> <p>15330 [1] 1/19</p> <p>15th [1] 41/16</p> <p>16 [1] 1/10</p> <p>17 [1] 3/6</p> <p>1700 [1] 1/15</p> <p>177 [1] 1/18</p> <p>1783 [1] 27/1</p> <p>18 [9] 31/19 32/6 33/8 33/11 33/19</p> <p>33/25 34/2 34/4 34/6</p> <p>18.jpg [1] 32/11</p> <p>2</p> <p>20 [5] 3/19 3/19 25/14 25/17 40/16</p> <p>2012 [3] 31/21 33/12 34/24</p> 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<p>817.850.6661 [2] 2/2 41/23</p> <p>817.978.2753 [1] 1/23</p> <p>819 [1] 1/22</p> <p>8vo [1] 32/19</p> <p>9</p> <p>9A10 [1] 1/22</p> <p>9yo [4] 32/19 32/22 33/2 33/21</p> <p>9Yo-Mv [2] 32/10 32/14</p> <p>A</p> <p>a -- it [1] 10/12</p> <p>a -- let [1] 28/23</p> <p>a.m [2] 1/8 4/2</p> <p>abandon [1] 11/25</p> <p>abeyance [1] 9/3</p> <p>ability [2] 17/15 23/23</p> <p>able [10] 8/9 8/25 10/25 14/6 18/25 19/4</p> <p>19/16 20/18 24/3 27/21</p> <p>about [8] 8/10 10/13 11/22 16/12 24/7</p> <p>31/14 31/21 33/12</p> <p>above [2] 33/6 34/16</p> <p>above-referenced [1] 34/16</p> <p>absolutely [1] 38/2</p> <p>accept [2] 29/25 30/1</p> <p>access [1] 23/20</p> <p>accord [1] 6/25</p> <p>account [2] 12/6 41/3</p> <p>across [1] 9/21</p> <p>act [3] 5/7 6/10 6/12</p> <p>act -- the [1] 6/10</p> <p>actual [2] 6/12 6/13</p> <p>actually [3] 7/13 29/25 37/22</p> <p>add [1] 39/1</p> <p>addition [1] 40/19</p> <p>additional [3] 10/1 10/3 40/24</p> <p>address [3] 31/1 41/22 41/24</p> <p>addressing [1] 31/3</p> 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